

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

July 2003

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Maine State Legislature



Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
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Joint Standing Committee on Criminal Justice and Public Safety

LD 1573 **An Act To Make Minor Changes to the Required Law Enforcement Policies** **PUBLIC 361**

<u>Sponsor(s)</u> STRIMLING JODREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-203
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LD 1573 proposed to make minor changes to the requirements contained within the mandatory law enforcement policy on domestic violence. Law enforcement agencies must have policies that require the collection of certain information by an officer that is to be provided to the bail commissioner after the arrest of a person involved in a domestic violence incident. The bill proposed to change a reference to a risk assessment to the collection of information, since the arresting officers do not perform risk assessments. Secondly, the bill proposed to amend requirements regarding retrieval of personal property to allow for, rather than require, a neutral location for the exchange and to give the victim the option of 24 hours' notice to each party prior to retrieval rather than requiring it.

Committee Amendment "A" (S-203) proposed to add a mandate preamble and a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 361 makes minor changes to the requirements contained within the mandatory law enforcement policy on domestic violence. Law enforcement agencies must have policies that require the collection of certain information by an officer that is to be provided to the bail commissioner after the arrest of a person involved in a domestic violence incident. A reference to a risk assessment is changed to the collection of information. The arresting officer does not perform a risk assessment. Secondly, the requirements regarding retrieval of personal property are modified slightly to allow for, rather than require, a neutral location for the exchange and to give the victim the option of 24 hours' notice to each party prior to retrieval rather than requiring it.

LD 1592 **An Act To Amend the Department of Corrections' Laws Pertaining to Juvenile Offenders** **PUBLIC 410**

<u>Sponsor(s)</u> BUNKER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-473
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LD 1592 proposed to eliminate terms of imprisonment in county jails for juveniles who committed adult offenses under Titles 12 and 29-A, such as operating after suspension, night hunting and operating an ATV on a public way, but would have provided, if the juvenile did not comply with the sentence given, that the juvenile committed a new juvenile crime.

The bill proposed to amend the purposes of juvenile institutions to eliminate the references to preliminary hearings since these are no longer held for juveniles. The bill proposed to amend the definition of "juvenile detainee" to include a juvenile detained for a drug court sanction under Title 15, section 3312, subsection 3, paragraph D. This would clarify that juveniles sanctioned by a drug court are considered detainees under the

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provisions of Title 34-A. The bill proposed to clarify that the Long Creek Youth Development Center and the Mountain View Youth Development Center are both detention and correctional facilities. The bill also proposed to replace references to "aftercare" with "community reintegration" throughout Title 34-A to reflect current terminology and to allow a juvenile detainee to be hospitalized in a nonstate psychiatric hospital if ordered by the court by way of a procedure known as the "blue paper" process.

Committee Amendment "A" (H-473) proposed to make a technical correction and replace another reference to "after-care" in Title 34-A with "community reintegration."

Enacted Law Summary

Public Law 2003, chapter 410 eliminates terms of imprisonment in county jails for juveniles who commit adult offenses under Titles 12 and 29-A, such as operating after suspension, night hunting and operating an ATV on a public way, but provides, if the juvenile doesn't comply with the sentence given, the juvenile commits a juvenile crime.

Public Law 2003, chapter 410 amends the purposes of juvenile institutions to eliminate the references to preliminary hearings since these are no longer held for juveniles. Public Law 2003, chapter 410 amends the definition of "juvenile detainee" to include a juvenile detained for a drug court sanction under Title 15, section 3312, subsection 3, paragraph D. This clarifies that juveniles sanctioned by a drug court are considered detainees under the provisions of Title 34-A. Public Law 2003, chapter 410 clarifies that the Long Creek Youth Development Center and the Mountain View Youth Development Center are both detention and correctional facilities. Public Law 2003, chapter 410 also replaces references to "aftercare" with "community reintegration" throughout Title 34-A to reflect current terminology. Finally, Public Law 2003, chapter 410 allows a juvenile detainee to be hospitalized in a nonstate psychiatric hospital if ordered by the court by way of a procedure known as the "blue paper" process.

LD 1622

An Act To Amend the Laws Regarding Prisoner Participation in Public Works Projects

PUBLIC 413

Sponsor(s)

Committee Report

Amendments Adopted

H-513 BUNKER

Public Law 2001, chapter 171 authorized county sheriffs instead of a court to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. However, the law repeals that authorization 90 days after the adjournment of the First Regular Session of the 121st Legislature. LD 1622 proposed to repeal the reversion to the courts so that county sheriffs could continue to make decisions regarding prisoner participation in employment, public works, electronic monitoring and intensive supervision.

House Amendment "A" (H-513) proposed to direct that the wages or salaries of employed prisoners and employment income of self-employed prisoners must be disbursed by the sheriff for fines, forfeitures and penalties, attorney's fees and surcharges after the wages or salaries are disbursed for the prisoner's board, the prisoner's work-related expenses, the prisoner's support of that prisoner's dependents and for restitution to victims.